

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan H. Lekkow	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 6443	DATE	September 17, 2012
CASE TITLE	Jeffery B. Beane (#2012-0327112) v. Tom Dart		

## DOCKET ENTRY TEXT

Plaintiff's motion for leave to proceed *in forma pauperis* [3] is granted. The Court authorizes the trust fund officer at Plaintiff's place of confinement to make deductions in accordance with this order. The Clerk is directed to mail a copy of this order to the trust fund officer at the Cook County Jail, and to issue summons for service of the complaint on Tom Dart. The Cook County Jail is dismissed as a Defendant. The Clerk shall send Plaintiff a magistrate judge consent form and filing instructions for this Court.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

Plaintiff Jeffery B. Beane, currently confined at the Cook County Jail, has filed a 42 U.S.C. § 1983 civil rights action against Tom Dart and the jail. He contends that he was housed in Division Three for a week. According to Plaintiff, there was an infestation of bugs, mice, and spiders. He states that he was bitten three times by a spider and had to seek medical attention for swelling in his face.

The Court finds that Plaintiff is unable to prepay the filing fee and grants his motion for leave to proceed *in forma pauperis*. Plaintiff is assessed an initial partial filing fee of \$4.80. The trust fund officer at Plaintiff's place of confinement is directed to collect the initial partial filing fee from Plaintiff's trust account and forward it to the Clerk of this Court. Thereafter, the trust fund officer shall collect monthly payments from Plaintiff's account in an amount equal to 20% of the preceding month's income credited to the account. Monthly collected payments from Plaintiff's account shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this action. Plaintiff shall remain responsible for this filing fee obligation, and Cook County Jail officials shall notify transferee authorities of any outstanding balance in the event he is transferred.

Preliminary review of the allegations stated above, *see* 28 U.S.C. § 1915A, indicates that Plaintiff states a colorable claim against Tom Dart. *Antonelli v. Sheahan*, 81 F.3d 1422, 1429 and 1431 (7th Cir. 1996). The Cook County Jail, however, is not a suable party and cannot be named as a Defendant. *Castillo v. Cook County Mail Room Dept.*, 990 F.2d 304, 307 (7th Cir. 1993). It is dismissed as a party to this suit.

The Clerk shall issue summons for service of the complaint on Tom Dart. The United States Marshal is appointed to serve the Defendant. Any service forms necessary for Plaintiff to complete for service will be sent by the Marshal. Plaintiff's failure to return those forms may result in the dismissal of Defendant. The Marshal shall make all reasonable efforts to serve Defendant. The Marshal is authorized to mail requests for waivers of service to the Defendant in the manner prescribed by Fed. R. Civ. P. 4(d)(2) before attempting personal service. If waivers of service are not obtained, the Marshal shall attempt personal service.

Plaintiff is instructed to file all future papers concerning this action with the Clerk of Court in care of the

<b>STATEMENT</b>
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<p>Prisoner Correspondent. Plaintiff must provide the Court with the original plus a complete judge's copy of every document filed. He must also send an exact copy of any filing to Defendant or his counsel, if an attorney has entered an appearance. Every document filed with the Court must include a certificate of service stating to whom exact copies were mailed and the date of mailing. Any paper sent directly to the judge or that otherwise fails to comply with these instructions may be disregarded by the Court or returned to Plaintiff.</p>
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